

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LINDA GUERRERO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 16cv1229-WQH-NLS

ORDER

HAYES, Judge:

On May 23, 2016, Plaintiff initiated this action by filing a Complaint (ECF No. 1) and a motion to proceed in forma pauperis (ECF No. 3).

All parties instituting a civil action, suit, or proceeding in a district court of the United States, other than a petition for writ of habeas corpus, must pay a filing fee of \$400.00. See 28 U.S.C. § 1914(a); S.D. Cal. Civ. L.R. 4.5. An action may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a). See *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). "To proceed in forma pauperis is a privilege not a right." *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965).


In an affidavit, Plaintiff states that as of May 2016 she is unemployed. (ECF No. 3 at 2). Plaintiff states that she is receiving \$532 bi-weekly from Worker's Compensation. *Id.* Plaintiff states that she has \$5.00 in bank account. *Id.* Plaintiff states that her rent and utilities are \$650. *Id.* at 3. Plaintiff states that she owns no real estate or other property of value. *Id.* After considering Plaintiff's motion and affidavit,

1 the Court determines that Plaintiff cannot afford to pay the filing fee in this case and is
2 eligible to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

3 IT IS HEREBY ORDERED that Plaintiff's motion to proceed in forma pauperis
4 is GRANTED. (ECF No. 3)

5 IT IS FURTHER ORDERED that all matters arising in this social security case
6 are referred to the Honorable Nita L. Stormes, United States Magistrate Judge, pursuant
7 to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

8 DATED: May 27, 2016

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10 **WILLIAM Q. HAYES**
11 United States District Judge
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